



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 17 2006

REPLY TO THE ATTENTION OF:

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Scott Beck, President
Beck Aluminum Corporation
300 Allen Bradley Drive
Mayfield Heights, Ohio 44124

Dear Mr. Beck:

Enclosed is a file stamped Consent Agreement and Final Order (CAFO) which resolves the Beck Aluminum matter, Docket No. CAA-05-2006-0020. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on AUG 21 2006.

Pursuant to paragraph 9 of the CAFO, Beck Aluminum must pay the civil penalty within 30 days of AUG 21 2006. Your check must display the case docket number, CAA-05-2006-0020, and the billing document number, 2750603A008.

Please direct any questions regarding this case to Mark Palermo, Associate Regional Counsel, at (312) 886-6082.

Sincerely yours,

A handwritten signature in cursive script that reads "William L. MacDowell".

William MacDowell
Section Chief (MN/OH)

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)	Docket No. CAA-05-2006-0020
)	
Beck Aluminum Corporation)	Proceeding to Assess a Civil
Mayfield Heights, Ohio)	Penalty under Section 113(d)
)	of the Clean Air Act,
Respondent.)	42 U.S.C. § 7413(d)
_____)	

Consent Agreement and Final Order

1. Complainant, the Director of the Air and Radiation Division, United States Environmental Protection Agency, Region 5 (U.S. EPA), brought this administrative action seeking a civil penalty under Section 113(d) of the Clean Air Act (the Act), 42 U.S.C. § 7413(d).

2. On March 31, 2006, U.S. EPA filed the complaint in this action against Respondent Beck Aluminum Corporation (Beck), alleging certain violations of 40 C.F.R. part 63, subpart RRR National Emission Standards for Hazardous Air Pollutants. The Complaint alleges that from at least September 2003 through December 2005, Beck was an operator of an aluminum processing facility owned by Remelt Services, Incorporated, in Cleveland, Ohio (facility), and was liable under the Act for the following violations: was at least 10 months late in meeting the requirement to install a temperature monitoring system and data logger for the facility's afterburner emission control system for

dioxins and furans as required by 40 C.F.R. § 63.1510(g); failed to keep records of afterburner operating temperature for at least 10 months, as required by 40 C.F.R. § 63.1517(b)(2); failed to consistently maintain the afterburner emission control device at a minimum operating temperature of 1,600 degrees Fahrenheit during September 2004 through May 2005, as required by 40 C.F.R. §§ 63.1505(f)(1) and 63.1506(h); and was at least 11 months late in submitting to regulatory authorities an operation maintenance and malfunction plan for the afterburner, as required by 40 C.F.R. § 63.1510(b).

3. Beck filed an answer on June 21, 2006, and requested a hearing under Section 113(d)(2) of the Act, 42 U.S.C. § 7413(d)(2).

Stipulations

4. Beck admits the jurisdictional allegations in the complaint and neither admits nor denies the factual allegations in the complaint.

5. Beck waives any right to contest the allegations in the complaint and its right to appeal this consent agreement and final order (CAFO).

6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

7. The parties agree that settling this action without further litigation, upon the terms in this CAFO, is in the public interest.

Civil Penalty

8. In consideration of the particular circumstances of this case, U.S. EPA agrees to mitigate the proposed penalty of \$145,926 to \$70,000.

9. Beck must pay the \$70,000 civil penalty by cashier's or certified check payable to the "Treasurer, United States of America," within 30 days after the effective date of this CAFO.

10. Beck must send the check to:

U.S. Environmental Protection Agency
Region 5
P.O. Box 371531
Pittsburgh, PA 15251-7531

11. A transmittal letter, stating the Respondent's name, complete address, the case docket number, and the billing document number must accompany the payment. Respondent must write the case docket number and the billing document number on the face of the check. Respondent must send copies of the check and transmittal letter to:

Attn: Regional Hearing Clerk, (E-13J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3511

Attn: Compliance Tracker, (AE-17J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division

U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3511

Mark Palermo, (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3511

12. This civil penalty is not deductible for federal tax purposes.

13. If Beck does not pay timely the civil penalty, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and the United States' enforcement expenses for the collection action under Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

14. Interest will accrue on any overdue amount from the date payment was due at a rate established under 31 U.S.C. § 3717. Beck will pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. Beck will pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue according to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter.

General Provisions

15. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the March 31, 2006 complaint.

16. This CAFO does not affect the right of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

17. This CAFO does not affect Beck's responsibility to comply with the Act and other applicable federal, state and local laws, and regulations. Except as provided in paragraph 15 above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by Complainant.

18. This CAFO constitutes an "enforcement response" as that term is used in "U.S. EPA's Clean Air Act Stationary Source Civil Penalty Policy" to determine Beck's "full compliance history" under Section 113(e) of the Act, 42 U.S.C. § 7413(e).

19. The terms of this CAFO bind Beck, and its successors, and assigns.

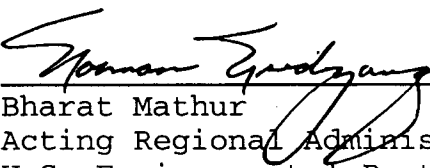
20. Each person signing this consent agreement certifies that he or she has the authority to sign this consent agreement for the party whom he or she represents and to bind that party to its terms.

CONSENT AGREEMENT AND FINAL ORDER
Beck Aluminum Corporation.
Docket No. CAA-05-2006-0020

Final Order

It is ordered as agreed to by the parties and as stated in the consent agreement, effective immediately upon filing of this CAFO with the Regional Hearing Clerk. This final order disposes of this proceeding pursuant to 40 C.F.R. § 22.18.

8/17/06
Date

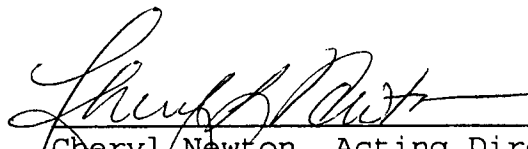

for Bharat Mathur
Acting Regional Administrator
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3511

21. Each party agrees to bear its own costs and attorneys' fees in this action.

22. This CAFO constitutes the entire agreement between the parties.

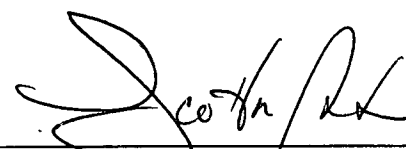
U.S. Environmental Protection Agency, Complainant

8/15/06
Date


Cheryl Newton, Acting Director
Air and Radiation Division
U.S. Environmental Protection
Agency, Region 5 (A-18J)

Beck Aluminum Corporation, Respondent

August 7, 2006
Date


Scott Beck, President
Beck Aluminum Corporation

US
ENVIRONMENTAL
PROTECTION AGENCY
REGION V
6 AUG 21 P2:26

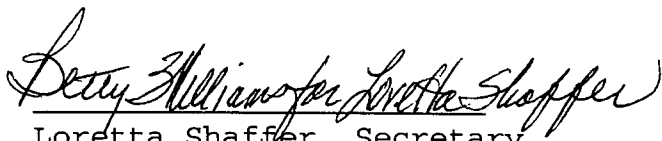
REGION V

CERTIFICATE OF SERVICE

I, Loretta Shaffer, certify that I hand delivered the original of the Consent Agreement and Final Order, docket number CAA-05-2006-0020 to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, and that I mailed correct copies by first-class, postage prepaid, certified mail, return receipt requested, to Beck Aluminum by placing them in the custody of the United States Postal Service addressed as follows:

Scott Beck, President
Beck Aluminum Corporation
300 Allen Bradley Drive
Mayfield Heights, Ohio 44124

on the 21st day of August, 2006.


Loretta Shaffer, Secretary
AECAS (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 000614550327